

WATER PERMIT NO. 7122-3

Name of Applicant: **Richard Beitelspacher**

Address: **13418 328th Ave, Bowdle SD 57428** Phone: **285-6581**

Amount of Water Claimed: **1.0** Total Acres: **20**

Source of Water Supply: **dugout**

Water to be used for: **irrigation** County: **Edmunds**

Type of Waste Disposal System: **NA**

Location: **1 mile east of Bowdle**

PRIORITY Date Received: **4-3-09** Application/License Fee: **\$200**

Corrected Application Received: Period of Annual Use: **May 20 – Sept 1**

Remarks:

Diversion Point: **SW ¼ SE ¼ Sec 23-T123N-R73W**

Land to be Irrigated: **SE ¼ Sec 23-T123N-R73W**

Depth of Well: **NA**

Well Driller:

Remarks:

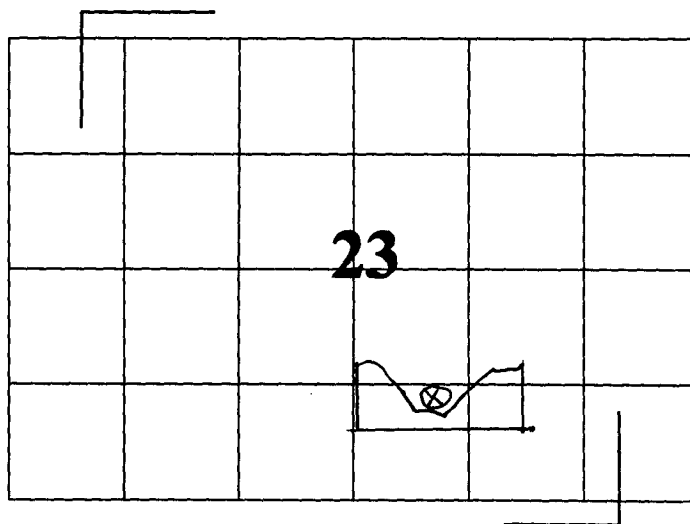
Type of Map: **aerial**

Prepared by: **K J Kehrwald, Edmunds Co NRCS**

Reviewed and the Number Assigned on: **4-3-09**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7122-3</u> (office use only) Hydrologic Unit <u>10130106</u>
	Basin <u>Missouri River</u>
	Newspaper <u>The Pride of Prairie Bowdle SD</u>

RECEIVED
APR - 3 2009
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: X New Vested Right Amendment/Correction to Permit No.
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

- Name of Applicant Richard Beitelspacher Phone 285-6581
(check one) X Owner Tenant/lessee
Mailing Address 13418 328 Ave Bowdle State S.D. 57428
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.0 *CFS or 450 **GPM ***AF Total Acreage 20A.
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Dugout
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4, section 12-T104N-R53W) Dugout SE corner of Sec 23 T123N-R73W (map enclosed)
(SW1/4 SE1/4) County Edmunds
- County or counties where water will be used Edmunds
- Annual period during which water is to be used May 1 to Sept 1
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SE Sec 23 T123N R73W	20 app		

8. Give a description of the project. (Attach sheet if more space is needed)
USE traveling gun to spread water on alfalfa crop especially in dry years.

STATE OF SOUTH DAKOTA) SS
County of Edmunds

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Richard Beitelspacher, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Richard Beitelspacher

Subscribed and sworn to before me this 2nd day of April 20 09

Dan Jensen 3-28-12
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7122-3**

Date of first receipt of application April 3, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7122-3 to Richard Beitelspacher, 13418 328th Ave, Bowdle SD 57428 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7122-3 appropriates 1.0 cubic feet of water per second (cfs) from a dugout located in SW ¼ SE ¼ Section 23 to irrigate 20 acres located in the SE ¼ Section 23; all in T123N-R73W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 1.
3. The date from which applicant may claim right is April 3, 2009.
4. The date of approval of Permit No. 7122-3 is July 21, 2009.
5. One-fifth of the construction is to be completed on or before January 21, 2011.
6. All construction is to be completed on or before July 21, 2014.
7. Water is to be put to beneficial use on or before July 21, 2018.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7122-3 authorizes a maximum diversion rate of 1.0 cfs for the irrigation of 20 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

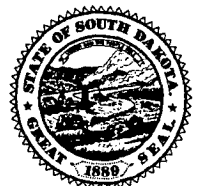
WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 24 2009

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____

On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

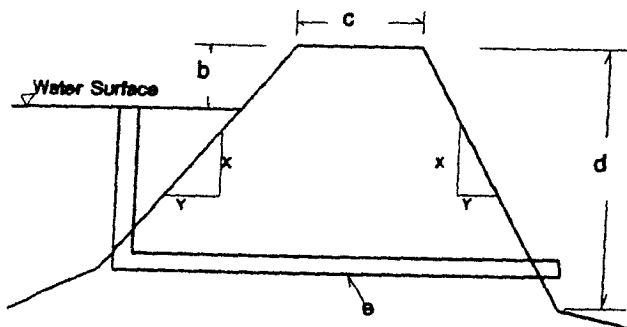
3. Dugout Information

- a) Surface Dimensions 80 ft by 180 ft long Depth 12 ft
- b) Depth to water (ground surface to water level) 6"

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



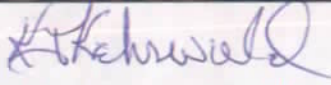
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



Section 23
T123N - R73W
Richard & Sharon Beitelspacher
Owners of south half
(minus 18 acres in SW corner)

Point of Diversion
Dugout
970 ft north & 1750 ft east
of SE corner of
Section 23
T123N - R73W

approx. 20 acres


K J Kehrwald, DC NRCS

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4/3, 20 09

RECEIVED OF Richard Beitelspacher 13418 328th Ave Bowdle SD 57428

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>7122-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7122-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	200 00

No.

04108

By

Richard D. Erbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7122-3, Richard Beitelspacher**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7122-3, Richard Beitelspacher, 13418 328th Avenue, Bowdle SD 57428.

The Chief Engineer is recommending APPROVAL of Application No. 7122-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7122-3 authorizes a maximum diversion rate of 1.0 cfs for the irrigation of 20 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 10, 2009

NOTE: The dugout is likely connected to the groundwater table of the Bowdle:Edmunds Aquifer or Pleistocene Unknown Aquifer. The dugout is an inefficient means of obtaining ground water and will not necessarily receive protection from adverse impact caused by other groundwater diversions since it does not meet the definition of an adequate well.

REPORT ON WATER PERMIT APPLICATION NO. 7122-3

Richard Beitelspacher

Water Permit Application No. 7122-3, Richard Beitelspacher, proposes to appropriate 1.0 cubic feet per second (cfs) of water from one existing dugout located in the SW ¼ SE ¼ Section 23 to irrigate 20 acres located in the SE ¼ Section 23 all in; T123N-R73W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. The applicant requests this greater diversion rate because a traveling gun will be used to deliver water on an alfalfa crop. The proposed project is located approximately one mile east of Bowdle, SD in Edmunds County. The annual period of requested use is May 20th through September 1st.

Project Review and Existing Water Rights

The applicant proposes to use an existing dugout for the water source. The dugout will be allowed to fill with ground water and incidental surface water runoff. Water will then be pumped from the dugout to irrigate the 20 acres located in the SE ¼ Section 23-T123N-R73W. The applicant is requesting a diversion rate greater than the statutory 1 cfs per 70 irrigated acres.

South Dakota Codified Law (SDCL) 46-5-6 states in part that... *The Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints of water, or the type of soil so requires. However, no annual volume may be greater than three acre-feet per acre delivered to the land.*

The applicant proposes to use a traveling gun irrigation system to irrigate the alfalfa crop. Using this type of irrigation equipment generally requires more water to operate than would normally be appropriated to irrigate 20 acres of land.

The existing dugout is approximately 80w x 160l x 12d capable of storing approximately 4.0 acre-feet of water. The applicant states the depth from the ground surface to the water level is six inches. The applicant also states the dugout was test pumped and refilled by the next day and would be capable supporting irrigation; therefore, suggesting a ground water connection.

It appears the likely groundwater connection is to either the Bowdle:Edmunds aquifer or the Pleistocene Unknown (PS:U) aquifer. The Water Rights Program does monitor observation wells completed into the Bowdle:Edmunds in this area. Review of Well Completion reports (Water Rights, 2009) and South Dakota Geologic Survey test hole data (SDGS, 2009) suggest the PS:U as the potential source aquifer (Ken Buhler, DENR, Water Rights Program).

Water levels in the PS:U are expected to respond similarly to the Bowdle:Edmunds aquifer, i.e. responding to climatic conditions which is, rising during wet years and declining during dry years. During dry periods, the water levels may decline such that water availability from the dugout may be a problem. The aerial extent and the amount of recoverable water stored in this aquifer have not been delineated. The sustainability of this source is unknown.

There is only one other Water Right in the area authorized to divert water from the PS:U aquifer. Water Right No. 5685-3 located approximately 1 ½ miles west of this proposed diversion is

authorized to appropriate 0.022 cfs (10 gpm) from the PS:U aquifer. The diversion of water for this application would not be expected to have an adverse effect on No. 5685-3.

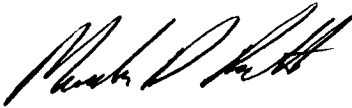
Conclusion

1. Water Permit Application No. 7122-3, Richard Beitelspacher, proposes to appropriate 1.0 cfs of water from one existing dugout with a storage capacity of approximately 4.0 acre-feet of water located in the SE ¼ Section 23 to irrigate 20 acres located in the SE ¼ all in; T123N-R73W.
2. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 irrigated acres. The applicant requests this greater diversion rate because a traveling gun will be used to deliver water on an alfalfa crop.
3. Using this type of irrigation system generally requires more water than would normally be appropriated to irrigate 30 acres of land.
4. Review of Well Completion reports (Water Rights, 2009) and South Dakota Geologic Survey test hole data (SDGS, 2009) suggest the PS:U as the potential source aquifer.
5. Water is available from ground water and incidental surface water runoff. During dry years, the water levels may decline such that water availability from the dugout may be a problem. The aerial extent and the amount of recoverable water stored in this aquifer have not been delineated. The sustainability of this source is unknown.
6. There should be no interference with existing water rights.



Mike DeFea
Natural Resources Project Engineer
DENR, Water Rights Program

Reviewed by:



Mark Rath
Natural Resources Engineer Specialist
DENR, Water Rights Program

REFERENCES:

Water Rights Program, 2009, "Water Right/Permit Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Water Rights Program, 2009, "Water Well Completion Report Files" DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Buhler, Ken, DENR, Water Rights Program, Natural Resources Engineer Specialist. Joe Foss Building, Pierre, SD 57501. 2009



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

June 11, 2009

Richard Beitelspacher
13418 328th Ave
Bowdle SD 57428

Dear Mr. Beitelspacher:

Water Permit Application Nos. 7121-3 & 7122-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Pride of the Prairie printed at Bowdle SD (Ph #605-285-6993). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

June 11, 2009

The Pride of the Prairie
PO Box 514
Bowdle SD 57428

ATTENTION: Legal Public Notice

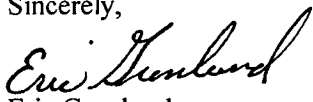
Enclosed is a Notice on Application Nos. 7121-3 & 7122-3 to Appropriate Water to be published twice. Please publish the first notice on June 18, 2009 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Richard Beitelspacher, 13418 328th Ave., Bowdle SD 57428 (Ph # 605-285-6581).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

Nos. 7121-3 & 7122-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of June 11, 2009 enclosing Notice to Appropriate Water by Application Nos. 7121-3 & 7122-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on June 18, 2009 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NOS. 7121-3 and 7122-3 to Appropriate Water

Notice is given that Richard Beitelspacher, 13418 328th Ave, Bowdle SD 57428 has filed the following applications for a water permit.

Application No. 7121-3 proposes to appropriate 1.0 cubic feet of water per second (cfs) from a dugout located in NW ¼ NW ¼ Section 10 to irrigate 30 acres located in the NW ¼ Section 10; all in T122N-R73W.

Application No. 7122-3 proposes to appropriate 1.0 cfs from a dugout located in the SW ¼ SE ¼ Section 23 to irrigate 20 acres located in the SE ¼ Section 23; all in T123N-R73W.

Both dugouts are likely connected to the ground water table of the Bowdle:Edmunds Aquifer or the Pleistocene Unknown Aquifer.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7121-3 & 7122-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 6, 2009.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
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June 25, 2009

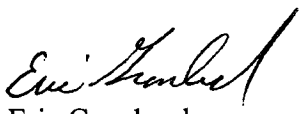
Richard Beitelspacher
13418 328th Ave
Bowdle SD 57428

Dear Mr. Beitelspacher:

The Notice of Application Nos. 7121-3 & 7122-3 for irrigation was to be published on June 18 and 25, 2009. The Pride of the Prairie has indicated the notice was published on July 18th only. In order to ensure the water permit is free from legal problems due to incomplete public notice, the notice will need to be published again. The paper has been instructed to publish the notice on July 2 and 9, 2009.

Enclosed is a copy of the updated Notice. You should be aware that the date for public comment and/or petitions is July 20, 2009. The remainder of the notice is the same.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

c: Pride of the Prairie

RECEIVED

JUL 10 2009

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Edmunds) SS

I, Amber Beyers

certify that the attached printed Notice was
taken

from the The Pickle of the
Praine

printed and published in Bowdle

County of Edmunds and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

July 2, 2009

July 7, 2009

Cost of Printing \$ 72.25

Amber Beyers
(Signature)

Office Assistant
(Title)

7-8-09

(Date Signed)

NOTICE OF APPLICATION NOS. 7121-3 and 7122-3 to Appropriate Water Application is given that Richard Beitel-spacher, 13418 328th Ave, Bowdle SD 57428 has filed the following application for a water permit.

Application No. 7121-3 proposes to appropriate 1.0 cubic feet of water per second (cfs) from a dugout located in NW ¼ NW ¼ Section 10 to irrigate 30 acres located in the NW ¼ Section 10; all in T122N-R73W.

Application No. 7122-3 proposes to appropriate 1.0 cfs from a dugout located in the SW ¼ SE ¼ Section 23 to irrigate 20 acres located in the SE ¼ section 23; all in T123N-R73W.

Both dugouts are likely connected to the ground water table of the Bowdle: Edmunds Aquifer or the Pleistocene Unknown Aquifer.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7121-3 & 7122-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested on opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 21, 2009.

The petition may be informal, but include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

AUG 24 2009

Richard Beitelspacher
13418 328th Ave
Bowdle SD 57428

Dear Mr. Bietelspacher:

Enclosed are Water Permit Nos. 7121-3 and 7122-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses may be issued, thus completing the acquisition of a water right.

An informational sheet ? *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Permit No. 7122-3
Bowdle: Edmunds Aquifer

Report of Examination of Works and/or Application to Beneficial Use

To: Chief Engineer, Water Rights Program, DENR, Joe Foss Bldg. Pierre, SD 57501

I have on this day, **August 19, 2013**, made a thorough examination of the water use system constructed by **Richard Beitelspacher, 13418 328th Ave, Bowdle, SD 57428**, holder of Water Permit No. **7122-3**, bearing the priority date of **April 3, 2009** and authorizing the diversion of **1.0 cubic feet per second (cfs)** from a dugout connected to the **Bowdle: Edmunds aquifer** for **irrigation** purposes in **Edmunds County**.

I have the following to report on the conditions of the aforementioned system:

- 1) Works to divert water:
One dugout, with dimensions of approximately 80' by 180' and 12' deep.
- 2) Works used to transport water to place of use:
Aluminum piping extending from dugout.
- 3) Works used to apply water to beneficial use:
One travelling gun pulled by tractor.

The system is in the following condition: **worn but functional**. The location of the dugout can be described as follows:

- **900 feet north and 1,800 feet west of the southeast corner of Sec 23, T123N-R73W. Lat 45.4508N Lon 99.6127W.**

The areas irrigated by the water from the dugout are broken down as follows:

- **14.5 acres in the SW ¼ SE ¼ of Sec 23, T123N-R73W**
- **5.5 acres in the SE ¼ SE ¼ of Sec 23, T123N-R73W**

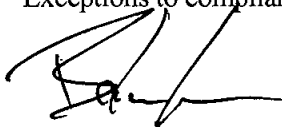
20 acres total in the S ½ SE ¼ of Sec 23, T123N-R73W.

This breakdown of acres is a best estimate based on information provided and by viewing the 2012 FSA aerial using ArcMap.

The total area being irrigated under Water Permit No. 7122-3 in Section 23 is **20 acres** with a total diversion rate of **1.0 cfs**. The license should reflect these conditions.

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None** Date Report Completed: **August 30, 2013**



Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 7122-3

DATE OF INVESTIGATION:	August 19, 2013
NAME & ADDRESS OF PERMIT HOLDER	Richard Beitelspacher 13418 328th Ave Bowdle, SD 57428
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Richard Beitelspacher
DIVERSION POINT LEGAL LOCATIONS	The dugout is located at 900 feet north and 1,800 feet west of the southeast corner of Sec 23, T123N, R73W. Lat 45.4508N Lon 99.6127W.

WELL INFORMATION:

- 1) Well Drilling Firm:
- 2) Number of Wells:
- 3) Depths:
- 4) Well Logs Available:
- 5) Comment: **System does not include wells**

SYSTEM TYPE:

- 1) Make:
- 2) Overall length: **1250 feet**
- 3) Number of Towers:
- 4) Distance Between Towers:
- 5) End Gun: **Yes, 2 inch Diameter**
- 6) Pressure:
- 7) Capacity: **450 GPM**

Pumps

- 1) Make: **Travelling Gun**
- 2) Model:
- 3) Size:
- 4) Capacity: **450 GPM**

CHEMIGATION EQUIPMENT: No

Casing

- 1) Diameter:
- 2) Length:
- 3) Type:

Screen

- 1) Type:
- 2) Length:
- 3) Static Water Level: **6 inches**

Motor

- 1) Make:
- 2) Model No:
- 3) Power: **100 HP**

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: **No**
- 2) All structures, wells, and lands on map: **Yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period: **Yes**

COMMENTS:

- 1) The travelling gun is pulled by a tractor and cannot irrigate more than 1,250 feet from water source (dugout).
- 2) According to Mr. Beitelspacher, the same travelling gun and tractor are used to irrigate Water Permit No. 7121-3 as well as 7122-3.
- 3) It is expected that the dugout is linked to Bowdle: Edmunds aquifer, but this has not been verified.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

August 26, 2013

7121-3 and 7122-3

Richard Beitelspacher
13418 328th Ave
Bowdle, SD 57428

Dear Mr. Beitelspacher:

Enclosed are the "Notice of Completion of Works" forms that we discussed during our inspection of the 2 dugouts associated with Water Permits No. 7121-3 and 7122-3 on August 19, 2013. I have filled out everything except the actual dates of system completion and beneficial use. Since the inspections have already taken place, these forms are the only thing that is required from you in order to issue licenses for Permits No. 7121-3 and 7122-3. I have also enclosed an envelope addressed to our office for your convenience. If you have any questions, or if there was a misunderstanding and the systems are not yet complete, please do not hesitate to contact me.

Sincerely,

Bracken Capen
Staff Engineer
Water Rights Program
(605) 773-3352
Email: bracken.capen@state.sd.us

RECEIVED

AUG 29 2013

WATER RIGHTS
PROGRAM**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 8/27/2013

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Richard Beitelspacher

(name)

13418 328th Ave

(address)

BowdleSD57428

(city, state, zip)

(605) 285-6581

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7122-3 states that the water use system is to be constructed by7/21/2014, and water is to be put to beneficial use by 7/21/2018

(date)

(date)

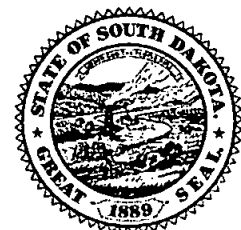
The water use system was completed on 5-10-2011

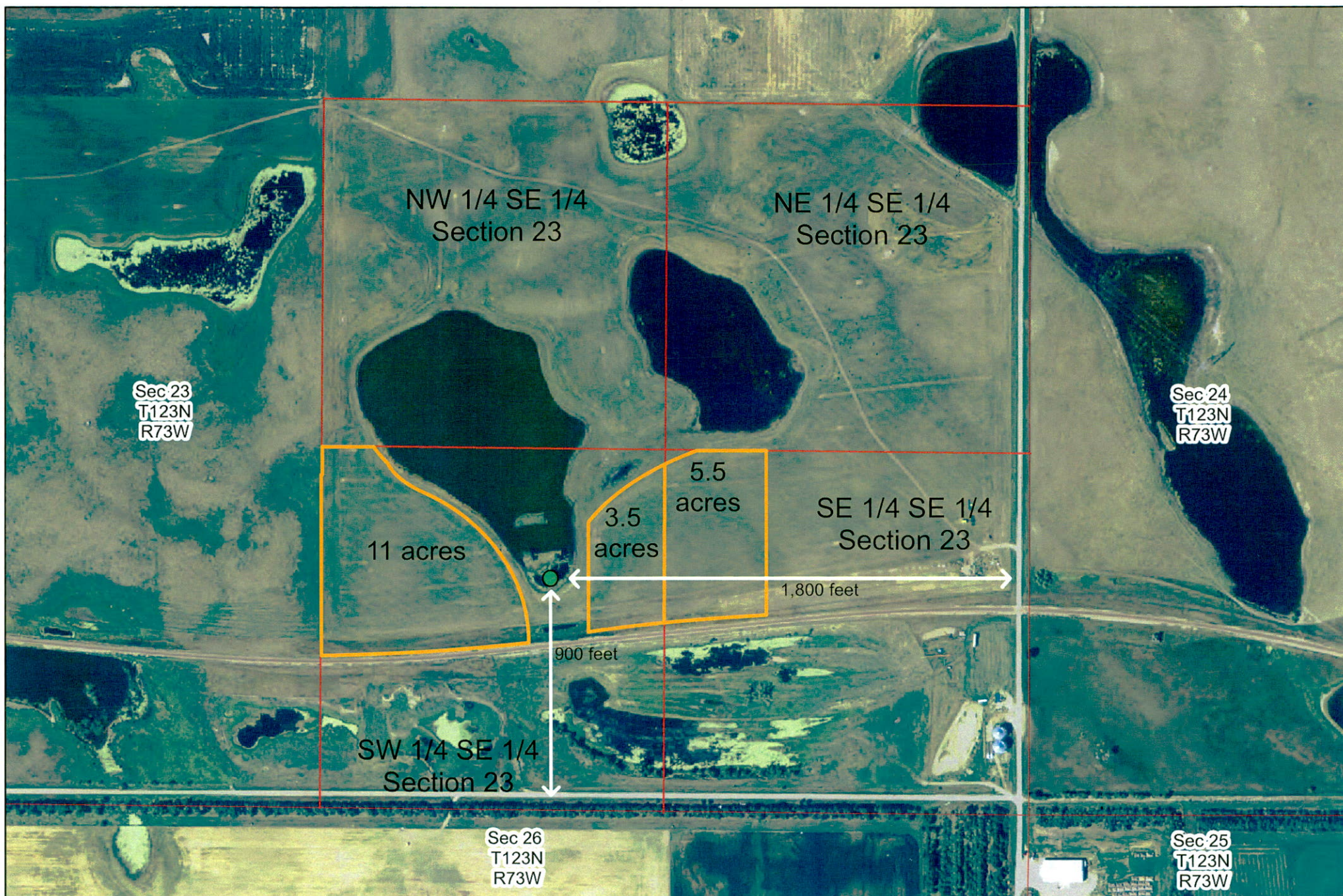
(date)

Applying the water to beneficial use was completed on 6-10-2017

(date)

You may schedule an investigation so that the water license may be issued.

*yes**Richard Beitelspacher*



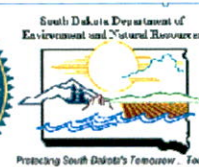
Legend

- Dugout Location
- Irrigated Acres
- Section Boundaries



0 0.045 0.09 0.18 Miles

Bill
 Prepared by Bracken Capen
 Natural Resources Engineer
 DENR, Water Rights Program



**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7122-3**

(1) Richard Beitelspacher, 13418 328th Ave, Bowdle SD 57428 made Application No. 7122-3, April 3, 2009 for a water permit to divert 1.00 cubic feet of water per second from ground water (dugout), Edmunds County, South Dakota for irrigation purposes. Permit No. 7122-3, with a priority date of April 3, 2009 was approved July 21, 2009 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 21, 2014 and for the application to beneficial use of said water on or before July 21, 2018.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" indicating the water use system was completed on May 10, 2011 and the water placed to beneficial use on June 10, 2011.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.00 cubic feet of water per second for beneficial use.

The dugout is located 900 feet north and 1,800 feet west of the SE corner of Section 23, T123N, R73W (SW ¼ SE ¼).

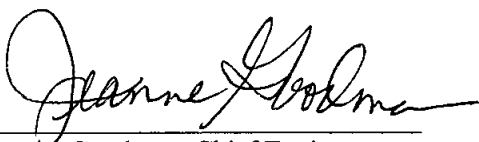
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 23, T123N, R73W	SW ¼ SE ¼	14.50 acres
	SE ¼ SE ¼	5.50 acres
	Total	20.00 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Richard Beitelspacher, 13418 328th Ave, Bowdle SD 57428 the holder and/or owner of Water Right No. 7122-3 is issued a license to appropriate water, the right to use 1.00 cubic feet of water per second from ground water (dugout) with a priority date of April 3, 2009 from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7122-3 and subject to the following qualifications:

- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7122-3 authorizes a maximum diversion rate of 1.0 cfs for the irrigation of 20 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 11 2013

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

SEP 11 2013

7122-3

Richard Beitelspacher
13418 328th Ave
Bowdle SD 57428

Dear Mr. Beitelspacher:

Enclosed is Water License No. 7122-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

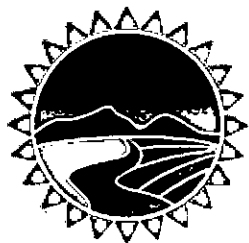
As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

7/22-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 28, 2020

7013-3
7121-3
7122-3
7983-3

Mark Beitelspacher
13418 328th Ave
Bowdle SD 57428

Dear Mr. Beitelspacher:

Thank you for contacting us regarding the need for an ownership change on Water Right Nos. 7013-3, 7121-3, 7122-3 and Water Permit No. 7983-3.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (total of \$200). The check or money order for the fee can be made payable to the Water Rights Program.

In your conversation with Eric Gronlund in our program, you clarified the land in Section 10 (No. 7121-3) was in CRP and the land in Section 23 (No. 7122-3) was not in CRP. I will review the files and ensure they are marked accordingly. Thank you for the information.

If you have any questions or need copies of the anything, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath".

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

PAID

AUG - 3 2020

Ck# 1848

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

AUG 03 2020

WATER RIGHTS
PROGRAM

No. 7122-3

Date: 7-30-2020

I/We request that Water Right No. 7122-3

formerly owned by: Richard Beitelspacher

be transferred to: (name & address) Sharon or Mark Beitelspacher
32715 US Hwy 12
Bowdle, SD 57428 Telephone No. 605-285-6581

Title to the following described land(s)/property has been transferred as described above:

20 acres - S 1/2 SE 1/4 Section 23, T123N, R73W

I/We understand that the validity of Water Right No. 7122-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Sharon Beitelspacher
Mark Beitelspacher, the new owner, certify that the above information is true and correct.

Sharon Beitelspacher
Mark Beitelspacher
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

7122-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date August 3, 2020RECEIVED OF Richard/Sharon Beitelspacher 32715 Hwy 12 Bowdle SD 57428

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>7122-3</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By *Eric Gronlund*
 Chief Engineer
Ynk



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

7013-3
7121-3
7122-3
7983-3

Mark Beitelspacher
13418 328th Ave
Bowdle SD 57427

Sharon Beitelspacher
32715 US Hwy 12
Bowdle SD 57428

Dear Mr. Beitelspacher and Ms. Beitelspacher:

I am writing to acknowledge receipt of the transfer forms and filing fees submitted for changing ownership on Water Right Nos. 7013-3, 7121-3, 7122-3 and Water Permit No. 7983-3.

The ownership changes have been completed as follows:

- No. 7013-3 formerly held by Richard Beitelspacher is now listed under Sharon or Mark Beitelspacher
- No. 7121-3 formerly held by Richard Beitelspacher is now listed under Mark Beitelspacher
- No. 7122-3 formerly held by Richard Beitelspacher is now listed under Sharon or Mark Beitelspacher
- No. 7983-3 formerly held by Richard Beitelspacher is now listed under Sharon or Mark Beitelspacher

For informational purposes, our records reflect the land described in Water Right No. 7121-3 (N ½ NW ¼ Section 10, T122N, R73W) is in CRP through 2026. Irrigation questionnaires will not be mailed for this water right until 2027.

Receipts for the filing fees are forwarded to Sharon by copy of this letter. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

Enclosures – Receipts (Sharon's letter)



7122-3

DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: SHARON OR MARK BEITELSPACHER, 32715 US HWY 12, BOWDLE, SD 57428
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7013-3, 7122-3, 7983-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7013-3, 7122-3, 7983-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7013-3, 7122-3, 7983-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: XUKNYZ**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

7122-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 2, 2022

7013-3
7122-3
7983-3

Sharon or Mark Beitelspacher
13418 328th Ave
Bowdle SD 57428

Dear Mr. & Mrs. Beitelspacher:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Permit/Right Nos. 7013-3, 7122-3, 7983-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us